



NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE BUILDING
RALEIGH 27601

August 20, 2015

VIA HAND DELIVERY

Secretary Donald van der Vaart
Department of Environment and Natural Resources
217 W. Jones Street
Raleigh, NC 27601

Dear Mr. Secretary:

We write as a group of legislators to express our concern about reports of pending actions this week by the North Carolina Marine Fisheries Commission ("MFC"). Together, we call on you to rescind immediately the MFC's existing authority to supplement the Southern Flounder Fishery Management Plan ("FMP"). This is the prudent course to better balance the interests of our fishing stocks and our fishing fleets and to adhere to the letter and spirit of The Fisheries Reform Act of 1997.

It appears that the lack of a regional stock assessment has led to an incomplete, and potentially incorrect, understanding of North Carolina's flounder stock. Add to this a misunderstanding of the fishery management processes established by law, and we find ourselves facing a potential MFC vote on stock-reduction policies that could have grave economic consequences to commercial fishermen statewide.

While it is laudable to proactively manage the Southern Flounder stock, we understand that the MFC's February 2015 decision to move forward with a supplement was made against the recommendation of the Division of Marine Fisheries' staff. Nonetheless, in March 2015, pursuant to G.S. §113-182(e1), you authorized the MFC to adopt temporary management measures applicable to the fishery.

The authority you granted to the MFC extends only so far as is necessary to *supplement* the existing FMP until the full plan can be revisited after the ample public input required by other parts of G.S. §113-182.1. Relying on the limited statutory authority you granted, the MFC appears to be moving forward with a rewrite of the FMP that would ban or severely limit certain overboard gear (including gill and pound nets).